

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Douglas A. Kelley, *in his capacity as the PCI Liquidating Trustee for the PCI Liquidating Trust,*

Plaintiff,

v.

Gus Boosalis,

Defendant.

Case No. 18-cv-868 (SRN/TNL)

**ORDER**

Andrew B. Brantingham, J. David Jackson, John R. Marti, Lucas J. Olson, and Payton E. George, Dorsey & Whitney LLP, 50 S. 6th St., Ste. 1500, Minneapolis, MN, 55402, for Plaintiff.

Daniel J. Frisk, Don R. Grande, and Mark A. Schwab, Grande Frisk Thompson & Schwab, 820 34th Ave. E., Ste. 200, West Fargo, ND 58078; Mark K. Thompson, MKT Law, PLC, 4927 34th Ave. S., 100 Nokomis Professional Building, Minneapolis, MN 55417, for Defendant.

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SUSAN RICHARD NELSON, United States District Judge

In light of the recent ruling by the Eighth Circuit Court of Appeals on the consolidated appeals in this matter and *Kelley v. Kanios*, see 974 F.3d 884 (8th Cir. 2020), a status conference was scheduled to be held on October 21, 2020. (Sept. 15, 2020 Text-Only Order [Doc. No. 235].)

The parties have advised the Court that on October 9, 2020, Plaintiff filed with the Eighth Circuit a petition for rehearing en banc. (See Pl.'s Oct. 15, 2020 Letter [Doc. No. 236]; Def.'s Oct. 15, 2020 Letter [Doc. No. 237].) Due to the pending petition with the

Eighth Circuit, the Court hereby **CANCELS** the October 21, 2020 status conference.

Counsel shall advise the Court of the Eighth Circuit's decision on its petition.

**SO ORDERED.**

Dated: October 15, 2020

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge